



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,682	02/05/2001	Anthony Ross Glen Stollery	08059.0008	3226

22852 7590 03/13/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

JANVIER, JEAN D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,682

Applicant(s)

STOLLERY, ANTHONY ROSS
GLEN

Examiner

Jean Janvier

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response To Applicant's amendments

The Examiner approves the amendment to the specification including the new title of the invention.

Further, amended claim 16 recites, inter alia, “operating a random number **generator to set a jackpot threshold**”, “determining a win or no win condition, where a win condition indicates that the jackpot total equals **or exceeds the set jackpot threshold**” and “**repeating steps (b) through (e) for each new purchase if a no win condition is determined**”. However, upon reviewing the materials disclosed on page 4 and lines 18-20 of the specification as suggested by the Applicant, the specification only supports that when a jackpot total reaching a total (threshold amount), as a result of a purchase contribution, matches a total generated by the random number generator, then the jackpot is being struck. It appears here that the specification does not immediately support “**repeating steps (b) through (e) for each new purchase if a no win condition is determined**” and this limitation, although understood, cannot automatically be derived from the disclosure since when nobody wins the jackpot or a no win condition is detected or present, the opportunity to win the jackpot may be one month or so from the last drawing. In other words, “repeating the steps for each new purchase when there is no winner” may have a time frame or time interval associated with it. The Examiner will not raise a 112 (1) for new matter here, thereby giving the Applicant a chance to rebut.

Further, in response to the claim amendment and Applicant's Arguments, the Applicant is herein being encouraged to contact the Examiner to discuss possible claim language that can be

Art Unit: 3622

incorporated into independent claim 16 to thereby help advance prosecution and put the Application in better condition for allowance.

Detailed Action

Specification

Status of the claims

Claims 1-15 were canceled and claims 16-21 were added. Hence, claims 16-21 are currently pending in the Application.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,267,670 to Walker discloses a system and method for performing integrated lottery ticket and merchandise transactions using a point-of-sale terminal that generates a single sales receipt containing all pertinent lottery ticket and merchandise transaction information. The lottery tickets generated include fractional value and "quick-pick" lottery tickets. A group of point-of-sale terminals are connected to a POS controller, which communicates with a lottery data processing system. An encrypted authentication code also printed on the sales receipt allows the lottery player to verify all lottery ticket transaction information, as needed. In at least one

Art Unit: 3622

embodiment, a method is provided for performing a lottery ticket transaction at a point-of-sale terminal. The method includes the steps of (1) calculating a change amount of a merchandise transaction; (2) receiving a request to purchase a lottery ticket in exchange for the change amount; (3) transmitting a request for a lottery ticket, the request including the change amount; (4) receiving lottery ticket information that is based on the change amount; and (5) printing the lottery ticket information on a receipt if the request to purchase a lottery ticket in exchange for the change amount is received, the lottery ticket information including a plurality of lottery numbers. Numerous other embodiments are also provided.

US Patent 6, 916, 245B1 to Vancura et al discloses a method of playing and wagering on a game of chance with community events has the steps of identifying the community event; accepting wagers from players on the event; generating a chance event during play, and rewarding the players from the pool if the event occurs during the chance event. The step of rewarding each player includes determining the amount of each player's reward per that player's wager and splitting the pool among all those that wager. Dealing cards, spinning a wheel or drawing numbered balls generates a chance event after accepting wagers. Adding to the pool at least a portion of the wagers and increasing the pool when the event does not occur are steps. The step of bases the reward of each player on the proportion of the fraction of total wagers made by all wagering players during that game of chance that the amount of the player's wager represented. An apparatus has a pay table ranking events and a wagering place to accept individual wagers from players on the occurrence of the event. A random number generator establishes chance events and the pool connects to the wagering place. The pool receives a

Art Unit: 3622

portion of the accepted wagers and rewards winners relative to the amount of that player's wager whenever the event occurs.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

03/03/06

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

**JEAN D. JANVIER
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to be 'JDJ' with a large loop at the bottom, written over the printed name and title.